

### **REMARKS**

Claims 1-6 are now pending in the present application. Applicant's representative wishes to thank the Examiners Lazorcik and Griffin for the courtesies extended during the telephonic interview of February 7, 2007. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Reese (U.S. Pat. No. 4,375,978). This rejection is respectfully traversed.

At the outset, Applicant notes that Claim 1 claims "a plurality of support brackets generally having a notched end defining an extending portion and a face portion, said extending portion positioned adjacent and in contact with a first side of one of said pair of longitudinally extending tubular members, said face portion abutting and in contact with a second side of said one of said pair of longitudinally extending tubular members; each of said plurality of support brackets extending inwardly toward the other of said pair of longitudinally extending tubular members".

As described in the specification at Paragraph [0018] each of the plurality of bracket members 20 is made of angled stainless steel having notched ends 22. Notched ends 22 include an extending portion 28 and a facing portion 30. Extending portion 28 is adapted to lay adjacent a side of longitudinally extending member 12 and facing portion 30 is adapted to abut a side of longitudinally extending member 12. Each of the plurality of bracket members 20 may be welded to longitudinally extending

members 12 along notched ends 22, which provides additional welding surfaces for an improved connection.

Conversely, Reese discloses a “support rod 16 [having] its upper portion welded to the portion of a corresponding reinforcing tab 12 that is remote from the shaping rail 10. The bottom ends of the support rods are welded to a planar, horizontally disposed mold reinforcing frame 18 having a quadrilateral outline that conforms to the outline of the shaping rail. Referring to [FIG. 2] of Reese, upper welds 20 are shown at upper attachment points, connecting the upper end portion of each support rod 16 to the lower end of each corresponding reinforcing tab 12 and lower welds 22 are disclosed at lower attachment points connecting the lower end portions of each support rod 16 to spaced attachment points along the rigid reinforcing frame 18.” [Reese, Col. 7, Lines 7-19].

The Examiner states that support rod 16 teaches an “‘extended portion’ in the region indicated by lead line (16)” and “‘a face portion’ in the region of the lower weld (22)”. [Final Office Action dated November 14, 2006, page 3]. However, Applicant submits that Reese fails to teach or suggest “a plurality of support brackets generally having a notched end defining an extending portion and a face portion, said extending portion positioned adjacent and in contact with a first side of one of said pair of longitudinally extending tubular members, said face portion abutting and in contact with a second side of said one of said pair of longitudinally extending tubular members; each of said plurality of support brackets extending inwardly toward the other of said pair of longitudinally extending tubular members” as presently claimed. Specifically, the alleged “extended portion” of Reese never contacts any portion of the frame 18 and, thus, does not meet the claim limitation that said extended portion be “positioned

adjacent and in contact with a first side" of the tubular member. Similarly, the alleged "face portion" of Reese is not "abutting and in contact with a second side" of the tubular member. Reese is completely silent with regard to a plurality of support members each contacting two separate sides of a tubular member as claimed.

Additionally, Applicant submits that Reese fails to teach or suggest each of said plurality of support brackets extending inwardly toward the other of said pair of longitudinally extending tubular members.

For these reasons, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

With regard to newly-added Claim 4, Applicant respectfully submits that Reese fails to teach or suggest the claimed invention, particularly "a plurality of support brackets generally having an extending portion and a face portion, said extending portion positioned adjacent a first side of one of said pair of longitudinally extending tubular members, said face portion abutting a second side of said one of said pair of longitudinally extending tubular members; each of said plurality of support brackets having a longitudinal axis extending inwardly toward the other of said pair of longitudinally extending tubular members". Support for this amendment can be found in the originally filed drawing and specification at Paragraph [0018]. Specifically, Applicant submits that the originally filed drawing clearly depicts a plurality of support brackets 20 extending inboard from longitudinally extending member 12 in a manner such that a longitudinal length or axis therein extends in a direction toward the opposing longitudinally extending tubular member. Applicant submits that one of ordinary skill in the art would appreciate such from the originally filed drawings, when taken together

with the originally filed specification. Furthermore, one of ordinary skill in the art would readily appreciate that Reese merely discloses a support rod 16 that extends vertically from the frame 18 and, thus, does not provide the advantages of inboard spacing of the present invention. Favorable consideration is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Reese (U.S. Pat. No. 4,375,978) in view of DeAngelis (U.S. Pat. No. 4,119,428). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Reese (U.S. Pat. No. 4,375,978) in view of Black (U.S. Pat. No. 3,248,201). These rejections are respectfully traversed.

In addition to the arguments set forth above in connection with Reese, Applicant respectfully submits that DeAngelis and Black, taken singly or in combination, fail to cure the deficiencies of Reese, in that DeAngelis and Black each fails to teach or suggest a plurality of support brackets having the notched ends as claimed herein and/or having a longitudinal axis extending inwardly toward the opposing longitudinally extending tubular member. Reconsideration and withdrawal of the present rejection are respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 8, 2007

By: 

Paul A. Keller, Reg. No. 29,752

Jeffrey L. Snyder, Reg. No. 43,141

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

JLS/kh